IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**and**
**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT APPEAL NO : 1600 of 2004**

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/08/2004 in W.V.M.P.No.1462/2004 in W.P.M.P.No.10261 of 2004 and W.P.M.P.No.1463 of 2004 in W.P.M.P.No.10260 of 2004 in WP NO:7878 of 2004 on the file of the High Court.

Between:

1 V. Srinivasulu, S/o. Venkatesu,
V.S.N. Hatcheries Private Limited, Lingapuram, Muthukur Post,
Peddapanjani Mandal, Chittoor District.
2 S.Bhaskar Reddy, S/o. S. Venkatesulu Reddy,
V.S.N. Hatcheries Private Limited, Lingapuram, Muthukur Post,
Peddapanjani Mandal, Chittoor District.
3 K. Balakrishna, S/o. Kannaiah Naidu,
V.S.N. Hatcheries Private Limited, (V.S.N. Feed Plant),. 180 Kothapalli,
Yadamari Mandal, Chittoor District.
4 S. Rafi, S/o. S. Jabbar Saheb,
Balaji Hatcheries, Reddygunta, Chittoor, Chittoor District.

**..... APPELLANTS**

AND

1 The Government of Andhra Pradesh, Labour and Welfare Department Rep.

by its Secretary, Secretariat, Hyderabad.
2 The Commissioner of Labour, Anjaiah Bhavanam, Ashok Nagar,

Hyderabad.
3 The Assistant Commissioner of Labour, Tirupathi, Chittoor District.
4 The Managing Director, V.S.N. Hatcheries Private Limited,
Lingapuram, Muthukur Post, Peddapanjani Mandal, Chittor District.
5 The Managing Director, Balaji Hatcheries, Chittoor, Chittor District.
6 K.V. Ramesh, S/o. Narayana swamy Naidu,
V.S.N. Hatcheries Private Limited.

(R6 is not necessary party in this W.A)

**.....RESPONDENTS**

**Counsel for the Appellant: MR.V.AJAYAKUMAR**

**Counsel for the Respondent Nos.1 to 3: GP FOR LABOUR**

**Counsel for the respondent Nos.4 & 5: Mrs.G.Sudha, Advocate**

**The Court at the admission stage made the following:**

**JUDGMENT:(PER THE HON'BLE SRI JUSTICE J.CHELAMESWAR)**

Aggrieved by the common order of a learned single Judge dated 31.08.2004 in W.V.M.P.No.1462 of 2004 in W.P.M.P.No.10261 of 2004 and W.V.M.P.No.1463 of 2004 in W.P.M.P.No.10260 of 2004 in W.P.No.7878 of 2004, the petitioners in the above mentioned writ petition preferred this Writ Appeal.

2. By the impugned order dated 31.08.2004, the interim orders granted by this Court earlier on 26.04.2004 are vacated. The appellants herein are the employees of respondent Nos.4 and 5 herein. Respondent No.4 is admittedly a Private Limited Company. So far as respondent No.5 is concerned, we are informed that (though the cause title does not clearly indicate about it) it is a partnership firm. The petitioners were sought to be transferred by their respective employers by an order dated 26.12.2003. Complaining that certain conciliation proceedings were pending under the Industrial Disputes Act, 1947 (for short 'the Act') by the date of above mentioned transfer orders, and therefore, the transfer orders are in violation of Section 33 of the Act, the petitioners filed the above mentioned Writ Petition.

3 . Initially an interim order was granted on 26.04.2004 and on an application filed by the respondent Nos.4 and 5 herein, the interim order was vacated by the order under appeal. Apart from anything else, the learned single Judge recorded a categorical finding that the conciliation proceedings were admitted subsequent to the impugned transfer orders, dated 26.12.2003, in which case the question of any violation of Section 33 of the Act does not arise.

4. The writ petitions against private bodies such as respondent Nos.4 and 5 are not maintainable. We do not see any reason to interfere with the order under appeal. The Writ Appeal is merit less and accordingly dismissed at the stage of admission.

_____

J.CHELAMESWAR, J

_____

GODA RAGHURAM, J

Dated 25th October, 2004.

YCR/KNK

To

1. The Secretary, Government of Andhra Pradesh, Labour and Welfare

Department, Secretariat, Hyderabad.
2. The Commissioner of Labour, Anjaiah Bhavanam, Ashok Nagar,

Hyderabad.
3. The Assistant Commissioner of Labour, Tirupathi, Chittoor District.

4. The Managing Director, V.S.N. Hatcheries Private Limited,
   Lingapuram, Muthukur Post, Peddapanjani Mandal, Chittor District.
5. The Managing Director, Balaji Hatcheries, Chittoor, Chittor District.
6. 2 CCs to G.P. for Labour, High Court Buildings, Hyderabad.

7. 2 C.D copies.